

Remarks/Arguments:

With the present response, claims 1-36 are pending, with claims 21-31 having been previously withdrawn from consideration. Claims 37-39 have been canceled.

Claim rejections

Claims 1-20 and 32-39 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0193867 to Gladdish, Jr. et al. ("Gladdish") in view of U.S. Patent Application Publication No. 2002/0095205 to Edwin et al. and U.S. Patent Application Publication No. 2003/0069630 to Burgermeister et al. or U.S. Patent Application Publication No. 2004/0044399 to Ventura, and further in view of U.S. Patent No. 6,203,568 to Lombardi et al., U.S. Patent Application Publication No. 2004/00115228 to Lombardi et al., U.S. Patent No. 6,635,082 to Hossainy et al., or U.S. Patent Application Publication No. 2002/0103528 to Schaldach et al. Claims 37-39 have been canceled, rendering the rejection of these claims moot.

Amended independent claims 1, 20, and 32 each recite, *inter alia*, a stent comprising a plurality of interconnected struts, the struts comprising a plurality of serpentine bands and further comprising a generally linear connector strut attaching a peak of one serpentine band to a trough of an adjacent serpentine band at the respective apices of each of the peak and the trough, *wherein the respective apices are axially aligned with each other*.

Amended independent claim 33 recites, *inter alia*, a stent comprising a tubular expandable framework having an outer surface and an inner surface, the tubular expandable framework comprising a plurality of serpentine bands, adjacent serpentine bands having *axially aligned oppositely pointing apices*.

The primary reference, Gladdish, discloses a stent 100 as a tubular member constructed from a plurality of hoops 108, with a plurality of bridges 116 connecting adjacent hoops 108. Hoops 108 are constructed from a plurality of longitudinal struts 110 with loops 112 connecting adjacent struts 110. Gladdish, paras. [0042] - [0043]. Gladdish teaches that each bridge to loop connection point is *offset angularly with respect to a longitudinal axis 106*. Gladdish goes on to say that the connection points are not immediately opposite each other. Gladdish, para. [0043]. Gladdish discloses a particular reason for this geometry, namely, because such geometry "helps to better distribute strain throughout the stent, prevents metal to metal contact when the stent is bent, and minimizes the opening size between the struts, loops, and bridges." Gladdish, para. [0044].

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). By teaching that each bridge to loop connection point should be offset angularly with respect to a longitudinal axis, Gladdish teaches away from the claimed limitation of a stent having the recited limitations of respective apices being *axially aligned* with each other, as recited in each of amended claims 1, 20, and 32, and the limitation of adjacent serpentine bands having *axially aligned* oppositely pointing apices, as recited in amended claim 33. Because Gladdish teaches away from a limitation of each independent claim in the present application, Applicants respectfully submit that Gladdish is improperly combined with the remaining references.

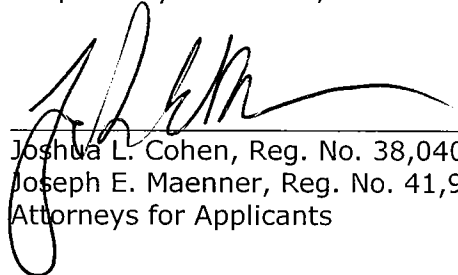
Applicants therefore respectfully submit that the rejection of each of independent claims 1, 20, 32, and 33 is improper, and respectfully request reconsideration and allowance of the claims. Claims 2-19 all ultimately depend from claim 1 and claims 34-36 depend from claim 33. Applicants respectfully submit that these claims are patentable over the cited prior art for at least the same reasons as set forth above with respect to claims 1 and 33, respectively. Reconsideration and allowance of the claims are respectfully requested.

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as unpatentable over Gladdish and further in view of U.S. Patent No. 6,488,701 to Nolting et al. ("Nolting"). Nolting is cited for using stents for correcting cerebral vasculature. Claims 14 and 15 ultimately depend from claim 1. Applicants respectfully submit that Nolting fails to cure the deficiencies of claim 1. Applicants respectfully submit that claims 14 and 15 are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of claims 14 and 15 are respectfully requested.

Conclusion

In light of the above arguments, Applicants respectfully submit that the present application is in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,



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